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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,447	06/04/2001	Donald G. Bruns	1092-PA362	5044

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EXAMINER

BOSS, WENDY L

ART UNIT PAPER NUMBER

1775

DATE MAILED: 10/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

6014

**Office Action Summary**

Application No.

09/875,447

Applicant(s)

BRUNS, DONALD G.

Examiner

Wendy Boss

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1775

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) 19-37 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 38-46 is/are allowed.
- 6) ☒ Claim(s) 1,7,10 and 15 is/are rejected.
- 7) ☒ Claim(s) 2-6, 8, 9, 11-14 and 16-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6-9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of Group I, Claims 1-18 and 38-46 in Paper No. 13 is acknowledged.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 7, 10 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,450,642 (Jethmalani et al.).

Jethmalani discloses a system comprising a layer of optical material comprising a monomer and at least one polymerization initiator, and a means for controlling the extent of curing the optical material by a radiation source at predetermined sub-regions inside the optical material to produce an aberrator having a varied index of refraction (see column 2, lines 59-67; column 3, lines 7-20; column 5, lines 40-44; column 13, lines 12-17; column 14, line 58 through column 15, line 1; and column 17, lines 12-22). Since the polymerization initiator in the reference is activated by the radiation source, the radiation source has at least one wavelength within the absorption band of the initiator, as recited

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in claim 7. It is also disclosed in the reference that the radiation source may be a laser unit operatively disposed to direct a laser beam at the predetermined sub-regions inside the optical material (see column 16, lines 39-42), as recited in claim 10. Jethmalani further discloses that the optical material may comprise epoxy (see column 4, lines 45-54).

***Allowable Subject Matter***

4. Claims 38-46 are allowed.
5. Claims 2-6, 8, 9, 11-14 and 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not disclose or suggest a system for making a wavefront aberrator comprising a radiation source comprising a LED array panel having a plurality of LED elements operatively disposed to irradiate an optical material; and a control unit for controlling the curing of the optical material to produce a wavefront aberrator having a varied index of refraction. The prior art of record also does not disclose or suggest a system for making a wavefront aberrator comprising a laser unit operatively disposed to irradiate an optical material; and a beam scan unit for controlling the curing of the optical material to produce a wavefront aberrator having a varied index of refraction. A system for making a wavefront aberrator is also not disclosed or suggested in the prior art that comprises a constant fluence radiation source; and a spatial light intensity modulator interposed between the radiation source and an optical material,

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the modulator being capable of generating a curing pattern for controlling the curing of the optical material to produce a wavefront aberrator having a varied index of refraction. The system recited in claim 1 wherein the optical material is contained between two transparent plates is also not disclosed or suggested in the prior art.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wendy Boss whose telephone number is 703-306-5922. The examiner can normally be reached on M-Th 8:30a-6:00p; 2nd F 8:30a-5:00p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Jones can be reached on 703-308-3822. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

  
Wendy Boss